7.0 REGULATORY COMPLIANCE

The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) provides the legal framework to identify and clean up abandoned hazardous waste sites. A CERCLA response is often initiated by the release of a hazardous substance into the environment. The list of regulated hazardous substances has been incorporated into several federal environmental laws, such as the Clean Air Act (CAA), the Clean Water Act (CWA), and the Resource Conservation and Recovery Act (RCRA). A risk-based cleanup approach was developed for CERCLA that provided for protection of human health and the environment while allowing significant flexibility in the selection of remedial alternatives. A CERCLA-type response requires the cleanup to achieve or exceed pertinent standards from federal and state environmental laws (USEPA, 1998) The Superfund Amendments and Reauthorization Act (SARA) directed the EPA to use other environmental laws to develop remedial alternatives. SARA requires:

> … the remedial standard or level of control for each hazardous substance, pollutant, or contaminant be at least that of any *applicable or relevant and appropriate requirement (ARAR)* under federal or state environmental law. (emphasis added)(USEPA, 1998).

Compliance is required of the substantive elements of other environmental laws, such as concentration limits, monitoring requirements, or design and operating standards for on-site waste management units. The extent to which an ARAR applies reflects the application of a remedial activity to a specific site. "*Applicable* requirements are universally applicable, while *relevant* and *appropriate* requirements only affect on-site response activities." (USEPA, 1998)

- *Applicable* requirements include cleanup standards, controls, criteria or limitations that specifically apply to a hazardous substance, pollutant, or contaminant;
- *Relevant* requirements are cleanup standards that do not address site conditions, but address conditions similar to those found at the site; and
- Whether or not a requirement is *appropriate* is determined by the specific circumstances found at the site.

In addition, there may be environmental policies that address on-site concerns but that do not meet the *applicable* or *relevant and appropriate* criteria. These *to-be-considered* ARARs may be used to determine cleanup levels for human health and the environment.

Environmental regulations address three general types of controls; the management of certain chemicals, restrictions on certain activities at a given location, and control of certain actions. The selection of ARARs reflects a similar regulatory division; chemical-specific, location-specific, and action-specific requirements. Chemical-specific requirements are usually health- or risk-based restrictions on a chemical that may be discharged. Chemical-specific ARARs generally result in the establishment of numeric action values. Location-specific ARARs protect unique or sensitive sites and restrict activities because of where they take place. Action-specific ARARs are activity or technology based. They involve the use of certain equipment or regulate discrete actions (USEPA, 1998).

Tables 7a, 7b, and 7c (Tables Section of Appendices) present the preliminary federal and state ARARs for the project. These have been described as *Chemical Specific, Location Specific* and *Action Specific* regulatory guidance. The State of California Maximum Contaminant Level for Total Cyanide is 0.20 mg/l. This discharge limit is a chemical-specific ARAR. California does not have an MCL for WAD Cyanide. The Lahontan Regional Water Quality Control Board discharge requirements for the Morning Star Mine are 1.0 mg/l Total Cyanide and 0.2 mg/l WAD Cyanide. Location-specific ARARs at this site are statutes and regulations pertaining to solid waste disposal and mining on lands administered by the National Park Service. Action specific ARARs reflect the various remedy alternatives evaluated for this document. A final list of the three categories of ARARs will be negotiated prior to implementation of the final removal action.